

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

27248

FILE: B-214059

DATE: January 23, 1984

MATTER OF: Triumph United Corporation

DIGEST:

Protest against affirmative determination of responsibility is dismissed because GAO does not review contracting officer's affirmative determination of responsibility except under limited circumstances not applicable here.

Triumph United Corporation (Triumph) protests against the award of a contract for elevator inspection services to United States Crane (USC) under invitation for bids No. 691-95-84, issued by the Veterans Administration, Los Angeles, California. Triumph contends that USC is not a responsible bidder because it was defaulted or had performance difficulties on several contracts and was indicted for fraudulently inflating work under a prior contract.

We dismiss the protest.

Triumph's allegation constitutes a challenge to the contracting officer's affirmative determination of responsibility of USC. Our Office does not review protests against the contracting officer's affirmative determination of responsibility, which is largely a business judgment, absent a showing that the contracting officer acted fraudulently or in bad faith, or that definitive responsibility criteria in the solicitation have not been met. Cardinal Moving & Storage, Inc., B-209915, December 22, 1982, 83-1 CPD 2. Neither exception is applicable here.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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